

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LAURA ALLEN, INDIVIDUALLY AND AS)
ADMINISTRATRIX OF THE ESTATE OF)
DAN ALLEN, AND AS NEXT FRIEND OF)
TAYLOR ALLEN AND DANIELLE ALLEN,)
and MARK ALLEN,)
Plaintiffs)

v.)

CIVIL ACTION
NO. 05-40048-FDS

MARTIN SURFACING, INC.; MARTIN)
SURFACING, A DIVISION OF SOUTHWEST)
RECREATION; RONALD RYBA;)
SOUTHWEST RECREATIONAL)
INDUSTRIES, INC., d/b/a MARTIN)
SURFACING; REED J. SEATON; ROBERT N.)
WOLESENSKY, JR.; DYNAMIC SPORTS)
CONSTRUCTION, INC. AND DOES,)
Defendants)

DEFENDANTS ROBERT M. WOLESENSKY, JR.'S AND DYNAMIC
SPORTS CONSTRUCTION, INC.'S INITIAL DISCLOSURES
PURSUANT TO FRCP 26(a)(1) AND LOCAL RULE 26.2

Defendants Robert M. Wolesensky, Jr. and Dynamic Sports Construction, Inc. hereby make the following Initial Disclosures pursuant to FRCP 26(a)(1) and Local Rule 26.1:

1) Local Rule 26.1(b)(2)(a): all persons known to these Defendants who witnessed the transactions or occurrences giving rise to the claims or defenses in this matter or who have substantial discoverable information regarding same:

- a) Reed J. Seaton;
- b) Robert M. Wolesensky, Jr.;
- c) Ronald Ryba;
- d) Laura Allen;

- 2) Local Rule 26.1(b)(2)(b): all opposing parties from whom statements have been taken regarding the subject matter of the claims or defenses:
- a) None
- 3) Local Rule 26.1(b)(2)(c): all government agencies known to have investigated the transactions or occurrences giving rise to the claims or defenses in this matter:
- a) None
- 4) Description of documents that are attached hereto without awaiting a formal discovery request:
- a) June 22, 1999 Asset Purchase Agreement by and between Southwest Recreational Industries, Inc. and Martin Surfacing, Inc. (Tab 1, 100001 – 100638);
- b) March 26, 2004 Asset Purchase Agreement by and between Southwest Recreational Industries, Inc. and Dynamic Sports Construction, Inc. (Tab 2, 100639 – 100676);
- c) January 13, 2004 Articles of Incorporation for Martin Surfacing, Inc. (Tab 3, 100678 – 100679);
- d) February 11, 2004 Articles of Amendment and February 18, 2004 Certificate of Correction for Dynamic Sports Construction, Inc. (Tab 3, 100680 – 100682); and
- e) March 11, 2004 Registered Agent form for Dynamic Sports Construction, Inc. (Tab 3, 100684 – 100685).

ROBERT M. WOLESENSKY, JR. and
DYNAMIC SPORTS CONSTRUCTION, INC.
By their attorneys,

/s/ Lee Stephen MacPhee

Lee Stephen MacPhee, Esquire (BBO #312400)

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P. Douglas Barr (pro hac admitted)

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Dated: September 12, 2005

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing was served on the 12th day of September, 2005, via overnight mail, and then via electronic filing on the 14th day of September, 2005, upon the following:

Robert J. Bonsignore
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/s/ Lee Stephen MacPhee and /s/ P. Douglass Barr

Counsel for Defendants
Robert M. Wolesensky, Jr. and
Dynamic Sports Construction, Inc.